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Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 5 October 2006, at 3 p.m.

Chairman: Mr. Acharya ..... (Nepal)
later: Ms. Bolanos-Pérez (Vice-Chairman) ..... (Guatemala)

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The meeting was called to order at 3.15 p.m.

Agenda item 39: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other items) (*continued*)

Hearing of petitioners (*continued*)

Question of Western Sahara (A/C.4/61/4/Add.4, Add.6, Add.8, Add.12, Add.13, Add.15-18, Add.21-25, Add.27, Add.29 and Add.32-35)

1. *At the invitation of the Chairman, Ms. Lenz (Christ the Rock Community Church) took a place at the petitioners' table.*

2. **Ms. Lenz** (Christ the Rock Community Church), said that in the eight years she had been working in Saharan refugee camps, she had become increasingly aware of the broken promises that forced the people of Western Sahara to suffer inhumane conditions while waiting for the right to self-determination. There was a cruel game of politics, hidden agendas to steal natural resources and media manipulation to convince the world that the violent invader, Morocco, was the champion of the Saharans and even that the Saharans did not really exist.

3. The Saharans had played by the rules and had respected their ceasefire with Morocco. They had still not held a referendum for self-determination, yet they cast their votes for true freedom — not the freedom of a regime that had forced them from their homes — daily, with their lives. She urged the Committee to lead the world and to organize a referendum to allow the Saharan people the right to self-determination.

4. *Ms. Lenz withdrew.*

5. *At the invitation of the Chairman, Mr. Morillas Gómez (University of San Pablo) took a place at the petitioners' table.*

6. **Mr. Morillas Gómez** (University of San Pablo), said that Western Sahara was still the sacrificial victim of the Spanish transition of power to Morocco and the situation had not benefited anyone. Moreover, the billions of dollars invested in Western Sahara was preventing Morocco from investing in its own infrastructure. Morocco would not develop if it did not abandon Western Sahara.

7. A parallel could be drawn with the situation of Indonesia in Timor-Leste; Indonesia, despite its great commercial power, had sacrificed its capital and its people during 30 years of occupying Timor-Leste. The resulting poverty and discontent had provided fertile ground for Islamic fundamentalism and had culminated in the terrorist attacks in Bali.

8. Maintaining the status quo was weakening Morocco by fuelling Islamic fundamentalism, halting economic development, increasing illegal immigration and expanding the cultivation and trafficking of drugs. It was encouraging a narcofundamentalism more dangerous than the Colombian narcoguerrilla in the Straits of Gibraltar.

9. He called on the United Nations to activate the process of self-determination and to finance the United Nations Mission for the Referendum in Western Sahara (MINURSO) with Morocco's gains from exploiting the natural resources of Western Sahara. Those resources should be protected, as had been done in Namibia. The Saharans were an open, hardworking and cosmopolitan Muslim people and an ally against terrorism. By contrast, Morocco, one of the closest Muslim countries to the West, was producing the most terrorists. Indeed, the perpetrators of the greatest terrorist massacre in the history of Western Europe — the attacks of 11 March 2004 — had been led by terrorists from Morocco.

10. *Mr. Morillas Gómez withdrew.*

11. *At the invitation of the Chairman, Mr. Strömdahl (Swedish Western Sahara Committee) took a place at the petitioners' table.*

12. **Mr. Strömdahl** (Swedish Western Sahara Committee) said that although an end to the conflict in Western Sahara had been within reach many times, every time Morocco had refused to follow through. Moroccans had been forced to choose between prison and spying for the Government and had been bribed to vote for Western Sahara's integration into Morocco.

13. There was broad popular action under way by non-governmental organizations (NGOs) in Sweden. His organization's platform for action contained suggestions in breaking the deadlock: they included the release of Saharan political prisoners, the holding of a referendum for self-determination, an end to the exploitation of natural resources, increased humanitarian aid to refugee camps for Frente

POLISARIO and requiring Morocco to leave Western Sahara.

14. *Mr. Strömdahl withdrew.*

15. *Ms. Bolanos-Pérez (Guatemala), Vice-Chairman, took the Chair.*

16. *At the invitation of the Chairman, Lord Newall (International Committee for Prisoners of Tindouf) took a place at the petitioners' table.*

17. **Lord Newall** (International Committee for Prisoners of Tindouf) said that his organization had been created to denounce the plight of the prisoners of Tindouf and to demand their immediate release. Noting that some of the 404 Moroccan prisoners of war released on 18 August 2005, had been detained for over 25 years, and that, according to France Libertés, 120 of their comrades had died in prison, 27 of them under torture, he called for an international inquiry into the fate of those who had disappeared in the camps. Moreover, the bodies of those who had died there must be recovered. The Government of Algeria must provide compensation for the torture and abuse suffered by victims illegally imprisoned on its territory.

18. He also called on the international community to look into the conditions of the Saharans living in the Tindouf camps. The only viable solution to the conflict in Western Sahara was a negotiated political settlement between Morocco and Algeria. The Committee must work to bring about such a solution.

19. *Lord Newall withdrew.*

20. *At the invitation of the Chairman, Ms. Aït-Baala (Action Internationale Femmes) took a place at the petitioners' table.*

21. **Ms. Aït-Baala** (Action Internationale Femmes) said that the popular uprising of May 2006 had aggravated the already deplorable human rights situation in the Tindouf camps and had clearly demonstrated that the Frente POLISARIO was sustained by a military system in the so-called refugee camps and by the Algerian regular army. After the uprising, telephone lines installed by the High Commissioner for Refugees had been cut and the camps surrounded. Members of the Rguibat Laâyaycha tribe had been targeted in particular for severe punishment.

22. The Frente POLISARIO leaders continued to divert international humanitarian aid and to deceive the international community about living conditions in the Tindouf camps while the international community remained silent. Meanwhile, the Tindouf region was becoming the breeding ground for all forms of illicit trafficking, smuggling, weapons trade, smuggling of migrants and terrorist groups. She called for aid and protection for the camp populations and demanded that the Frente POLISARIO leadership and the Algerian authorities lift the blockade against the people and allow them freedom of expression. The international community must exert pressure on Algeria to undertake direct negotiations with Morocco in order to end the artificial conflict of Western Sahara so as to avert a genocide similar to that of Rwanda.

23. *Ms. Aït-Baala withdrew.*

24. *At the invitation of the Chairman, Mr. Castellano San Ginés (Member of Parliament of the Canary Islands) took a place at the petitioners' table.*

25. **Mr. Castellano San Ginés** (Member of Parliament of the Canary Islands) said that the Canary Islands were geographically so close to Morocco that they also bore the consequences of the conflict. They must commit to the development of Africa for the benefit of the entire continent.

26. The division of the African territory by European colonial powers had resulted in a complex reality that ignored the interests of the Saharan people. General Assembly resolution 1541 (XV) was confusing and difficult to implement. The right to self-determination was an instrument that had been devised for the decolonization of territories administered by distant Western powers and its application to Western Sahara was questionable. Efforts to organize a referendum had failed because the two parties differed in their opinions of who could vote.

27. He welcomed the proposal to grant broad autonomy to Western Sahara within the territory of Morocco even though it was not connected to a subsequent referendum for self-determination, for it would open a space for reasonable political debate of the situation. The proposal did not imply renunciation of the political aspirations of either party or of the legal and political status of the region. It would provide for a mechanism for settling differences by broad consensus within a plural, democratic framework, and for ending the suffering of the Saharan people. The formula was somewhat similar to that adopted in the Canary Islands within the context of Spain and would involve a degree of self-government.

28. In order to achieve that end both parties would have to agree, among other issues, on the scope of the autonomy and the situation of the Saharans in the Tindouf camps. The international community should not condition the solution on geostrategic positions. It was time to close the file on Western Sahara by accepting autonomy within the territory of Morocco in order to give the Saharan people a better life and a developed society.

29. *Mr. Castellano San Ginés withdrew.*

30. *At the invitation of the Chairman, Ms. Cioffi (Popolari Udeur Group) took a place at the petitioners' table.*

31. **Ms. Cioffi** (Popolari Udeur Group) said that it was necessary to find a political solution in Western Sahara to abate the daily suffering of the civilian population in the Tindouf camps in Algeria. In order to provide effective humanitarian aid it was imperative to assess the exact number of people in need of aid, including the number of people living in the Tindouf camps. To carry out that assessment, Algeria should authorize international organizations to carry out periodic censuses in the camps. Furthermore, the organizations that provided aid needed to be given unrestricted access to the camps, with a view to guaranteeing the fair distribution of goods. The decision by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) to reduce the number of refugees from 158,000 to 90,000 had made it even more important to target those people who were most in need of aid. To address the humanitarian problem it was important to work together and to secure the cooperation of Morocco and Algeria. The failure to find a solution to the question of Western Sahara threatened to destabilize the entire region and to worsen the levels of terrorism, organized crime and trafficking in persons.

32. *Ms. Cioffi withdrew.*

33. *At the invitation of the Chairman, Ms. Warburg (Freedom for All) took a place at the petitioners' table.*

34. **Ms. Warburg** (Freedom for All) said that for over 30 years POLISARIO had violated the most basic of human rights by denying the Saharan people the right to live as families, to travel freely and to express their views. In contravention of the Universal Declaration of Human Rights and the Convention Relating to the Status of Refugees, the Saharan refugees were denied the right to associate freely and to travel within and beyond Algeria. The Saharan people were subjected to repression, torture and arbitrary imprisonment. In contravention of the Convention on the Rights of the Child, young children were forcibly removed and deported, and many were returned to their families at a later date. That inhuman act was designed to ensure that parents complied with POLISARIO and remained in the camps, with the hope of one day being reunited with their children.

35. The Saharan refugee camps were located in a military zone, with detention centres and military training grounds, despite the fact that in 1987 UNHCR had called on States to maintain the civilian and humanitarian character of refugee camps. The Convention on Human Rights was insistent on the need to reunite and regroup refugees but the Saharan people were dispersed in four camps in Tindouf at distances varying from 30 to 172 kilometres. In February 2006, torrential rain and flash floods had struck the camps and it had been necessary for UNHCR to provide emergency aid. Rather than mobilize its forces to deal with that humanitarian crisis, POLISARIO had mobilized its forces to celebrate the thirtieth anniversary of its self-designated republic. The absence of basic human rights, the harsh living conditions and the repressive POLISARIO regime had provoked riots and rebellions in the Tindouf camps which had been brutally suppressed.

36. The misappropriation of humanitarian aid donated by the international community had serious implications for the welfare of the refugees and the stability and security of the Maghreb and Mediterranean regions. POLISARIO routinely sold that aid in neighbouring countries in order to raise money for the purchase of weapons. The last remaining Moroccan prisoners of war had been released in 2005 but many remained unaccounted for or had been killed in the Tindouf camps. Freedom for All supported claims by the former Moroccan prisoners of war for compensation from the Algerian State for the human rights abuses perpetrated in Algerian Territory and called for detailed information about the prisoners whose whereabouts were still unknown. Freedom for All urged the international community to establish an international commission of enquiry to be sent to Tindouf to investigate the plight of refugees, determine the extent of human rights abuses and bring the perpetrators to justice.

37. *Ms. Warburg withdrew.*

38. *At the invitation of the Chairman, Mr. Alonso Rodríguez (Liga Española Pro-Derechos Humanos) took a place at the petitioners' table.*

39. **Mr. Alonso Rodríguez** (Liga Española Pro-Derechos Humanos) said that it was necessary to clarify some of the offensive and inaccurate statements that had been made in relation to Western Sahara. It was clear that the basic right to freedom was being violated in the occupied Territory and, in 2006, a commission of European parliamentarians had been refused entry into the occupied Territory. Visitors were not allowed to witness the conditions in the camps and prisons. Five hundred Saharans were on hunger strike and the general situation was lamentable. At a hearing in Spain in 2006, complaints had been heard about a massacre of the Saharan people in 1975. Those crimes should not remain unpunished and the King of Morocco should not allow any further massacres by Moroccan troops. It was regrettable that the Government of Spain had not adopted a firmer stance on the question of Western Sahara because it was essential not to legitimize the invasion. It was imperative to find a solution to the question of Western Sahara in order to alleviate the suffering of the Saharan people.

40. *Mr. Alonso Rodríguez withdrew.*

41. *At the invitation of the Chairman, Mr. Aurrekoetxea (Instituciones Solidarias con el Pueblo Saharaui a nivel del Estado Español) took a place at the petitioners' table.*

42. **Mr. Aurrekoetxea** (Instituciones Solidarias con el Pueblo Saharaui a nivel del Estado Español) said that it was lamentable that the question of Western Sahara had not yet been resolved given that MINURSO, whose objective had been the organization of a referendum on self-determination and independence, had been established in 1991. The Saharan people had established all the necessary international and legal requirements for achieving self-determination by means of a referendum and wanted to find a peaceful solution. That peaceful solution should be based on the advisory opinion given by the International Court of Justice on 16 October 1975, which clearly stated that Morocco had no territorial sovereignty over Western Sahara and General Assembly resolution 1514 (XV) was applicable to the question of Western Sahara. The Saharan people were no longer willing to accept the occupation and the only possible solution was decolonization. The Saharan people had waited patiently for more than 15 years for the United Nations to take action to guarantee their inalienable right to self-determination. However, that patience could come to an end. Furthermore, it was important not to forget the tens of thousands of men and women who had suffered under the Moroccan occupation and the hundreds of thousands who had fled to the Tindouf camps in 1975. Conditions in those camps had deteriorated dramatically because basic food stocks were running out and that made the need for a solution even more urgent.

43. *Mr. Aurrekoetxea withdrew.*

44. *At the invitation of the Chairman, Ms. Miranda Navarro (Consejo General de la Abogacía Española) took a place at the petitioners' table.*

45. **Ms. Miranda Navarro** (Consejo General de la Abogacía Española) said that the independent legal observers that had been sent from Spain over the years had denounced the continual violation of basic human rights in Western Sahara. In 2006, those denunciations had been supported by the International Bar Association. Those legal observers had attended court hearings against Saharan human rights activists and had travelled throughout the Territory. United Nations resolutions had established that Western Sahara was a Non-Self-Governing Territory that should undergo a process of decolonization and that Morocco was illegally occupying that Territory. The legal observers sent by Spain had noted that Morocco did not have the legal competency to hold trials against Saharan activists. The alleged crimes of the activists had taken place outside Moroccan jurisdiction and the activists were Saharan citizens.

46. The trial of 14 Saharans described as leading human rights activists had been held in December 2005 in the Moroccan city of El Aaiún amid a great deal of tension and a strong police and military presence. Saharans who had attempted to attend the trials or who had been in the vicinity had been beaten. The 14 detainees had been in poor physical condition because of the torture that they had been subjected to and because of their two month hunger strike. The defendants had refused to acknowledge the court's legitimacy. The legal observers had noted that the trials violated international and Moroccan law because the defendants had not been granted the presumption of

innocence, had not been given access to medical treatment and had not been allowed a defence. The court officials had obeyed the orders of the police.

47. *Ms. Miranda Navarro withdrew.*

48. *At the invitation of the Chairman, Mr. Assor (Surrey Three Faiths Forum) took a place at the petitioners' table.*

49. **Mr. Assor** (Surrey Three Faiths Forum) said that the food shortages in the Tindouf refugee camps were of Algeria's and the Frente POLISARIO's own making. At the request of donor organizations which believed the numbers of the refugees in the camps had been vastly inflated by Algeria, and in the face of Algeria's refusal to allow a reliable census of the camp inmates, the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) had done their own calculations and reduced the total by almost 20 per cent to 90,000 inmates; as the Secretary-General had indicated in his report (A/61/121, para. 7), they had reduced the amount of food aid accordingly. Algeria had always refused to allow supervision of the distribution of aid by neutral observers; thus, the Frente POLISARIO, which was in charge, had been able, with Algerian connivance, to misappropriate and re-route elsewhere much of the food for its own profit, as reported by several agencies. The upshot was that the majority of the camp inmates were, in fact, starving. The Frente POLISARIO had been calling for more food aid, even as it spent inordinate amounts on military exercises for show. The Saharan people had indeed become disillusioned with the Frente POLISARIO leaders, who seemed interested only in their own power.

50. UNHCR should be allowed to conduct a census in the camps in order to quantify the real needs. Algeria should be called upon to lift its blockade of the camps, allowing free access to them as well as free movement for the inmates. It was also important to allow the aid agencies themselves to put in place proper management of aid. His organization requested an immediate international investigation into the fraudulent food misappropriation racket that was depriving the people in Tindouf of needed aid.

51. *Mr. Assor withdrew.*

52. *At the invitation of the Chairman, Ms. Bahaijoub (Family Protection) took a place at the petitioners' table.*

53. **Ms. Bahaijoub** (Family Protection) said that while the plight of the Moroccan prisoners of war who had suffered for decades in the Tindouf camps had ended, the Algerian authorities had never accounted for the 350 to 500 prisoners who had disappeared while in the camp; nor had the bodies of about 50 Moroccans buried in the camp ever been repatriated — that was a violation of the Geneva Conventions. Algeria had for 15 years ignored the call of the international community to address the issue of those disappeared persons, and it had made no response to appeals from international human rights organizations regarding both the Moroccan prisoners and the Algerians and others who had disappeared throughout Algerian territory since the beginning of the civil war.

54. In view of the various violations perpetrated by the Frente POLISARIO on Algerian territory, an independent inquiry must be launched to clarify the circumstances of those disappearances and to identify those responsible in order to bring them to justice.

55. There was also an urgent need to look into the plight of the civilian population in the Tindouf camps, who were living in inhumane conditions and were subjected to human rights violations and restrictions on freedom of movement, expression and opinion. The alarming food shortage in the camps had been attested to independently, and had become even more critical following the decision by United Nations agencies to reduce the food aid, a decision prompted in part by the inflated numbers provided by the Algerian authorities and in part by the fact that much of that food was being sold in neighbouring countries.

56. She appealed to the Committee to help put an end to the conflict in Western Sahara by encouraging direct negotiations between Morocco and Algeria. A political solution was needed in order to end the suffering and avoid the balkanization of the region.

57. *Ms. Bahaijoub (Family Protection) withdrew.*

58. *At the invitation of the Chairman, Mr. Piccolo (City Councilman, Rome) took a place at the petitioners' table.*

59. **Mr. Piccolo** (City Councilman, Rome) said that territorial integrity had always been a very important issue to Morocco. Western Sahara was the last part of its territory to be recovered in 1975. Algeria, claiming to be the defender of international law and proclaiming the slogan of self-determination, had involved itself

deeply in the ensuing conflict in Western Sahara, following a clear strategy, starting with its creation of the Frente POLISARIO and its waging of a proxy war with Morocco. Algeria's geopolitical and geostrategic intentions had been revealed in its 2003 proposal for a partition of the Sahara.

60. The referendum for self-determination in Western Sahara, would, in his view, not resolve the conflict, regardless of its result. Given the nature of Saharan society and the insurmountable obstacles to establishing electoral rolls, it would only complicate the crisis. International institutions had failed to find a solution because they had insisted on framing the problem falsely. As a result, the Maghreb lived in a state of latent war; fraternal peoples who aspired to cooperate and live together in a stable and prosperous region were separated because of the greed of the Algerian governing class. The dream of a united Greater Maghreb was destined to remain simply an illusion.

61. Algeria had refused Morocco's good-faith readiness to negotiate an acceptable political solution. Yet that had not prevented Morocco from endeavouring to establish a democratic and modern state, based on respect for rights and freedoms, in which its citizens were at liberty to express their aspirations. Morocco's proposal to grant broad autonomy to the southern provinces under Moroccan sovereignty was receiving particular attention throughout the world.

62. Through the Committee, he appealed to Algeria and the Frente POLISARIO to enter into direct negotiations with Morocco in order to achieve a mutually acceptable political solution.

63. *Mr. Piccolo withdrew.*

64. *At the invitation of the Chairman, Mr. Quatrano (Osservatorio Internazionale) took a place at the petitioners' table.*

65. **Mr. Quatrano** (Osservatorio Internazionale), speaking as criminal court judge and founder of an organization that monitored trials and legal procedures in the countries of the Maghreb and West and Central Africa, said that he wished to speak from his experience as an observer and human rights defender in Western Sahara, which had been occupied illegally by Morocco.

66. On the basis of the report of an international mission of European jurists who had monitored the trials of some militant Saharan human rights defenders, the reports of bodies like Amnesty International that had denounced illegal disappearances and police abuse and a series of complaints from the occupied Territory showing that freedom of thought and civil and political rights were being denied, it could be asserted that the Moroccan authorities were repressing the Saharan population, which demanded in vain the right to self-determination through a referendum. Saharan prisoners should be considered to be prisoners of conscience for they had been arrested simply for having expressed their beliefs. The resistance practiced by the majority of the population was completely peaceful, whereas the police used illegal and violent methods such as disappearance, maltreatment and torture, as he himself had personally ascertained. Trials conducted in the Territory had, according to international observers, not followed due process and had relied on evidence obtained through torture.

67. The serious human rights situation in Western Sahara demanded action. Before any referendum could be held, respect for civil rights and free expression had to be established. MINURSO should therefore be given the additional mandate of monitoring the observance of human rights in the Territory, including the right to demonstrate and the rights of detainees.

68. *Mr. Quatrano (Osservatorio Internazionale) withdrew.*

69. **Mr. El Mojahdi** (Association Sahraoui des droits de l'homme (ASDH)) said that he himself had sacrificed for his country by spending 24 years in prisons and concentration camps in the western part of the Sahara. He had come to plead the Saharan cause before the Committee. The root of the problem was the illegal situation there.

70. While Morocco, like other countries, had committed human rights violations in the past, it had now established the first Ministry of Human Rights in the Muslim world, creating also a body to look into the functioning of the courts that had tried human rights victims. Through its Reconciliation Commission, it had sought to develop the tools for national reconciliation and to learn from the experience of other countries. Those efforts represented qualitative leaps, and were due to the young King's goodwill and interest in democracy. The aspirations of young Moroccans and perhaps those of the Saharan people could be realized as well.

71. He regretted that the question was still on the agenda. With the goodwill of the neighbouring countries, however, all parties to the conflict could come before the Committee during the next session to set out their positions, in the interests of achieving stability and good-neighbourliness and working towards a united Maghreb.

72. *Mr. El-Mojahdi withdrew.*

73. *At the invitation of the Chairman, Mr. Ducarme (Member, Belgian Parliament) took a place at the petitioners' table.*

74. **Mr. Ducarme** (Member, Belgian Parliament), citing his independent analysis of the question of human rights in Western Sahara, arrived at in conjunction with members of Lawyers Without Borders and the European Strategic Intelligence and Security Centre, said that United Nations attempts to organize a referendum were bound to fail until such time as Morocco and the Frente POLISARIO reached agreement on an updated census to establish the electoral rolls. It was to be hoped that the latest Moroccan proposal to grant a broad measure of autonomy to Western Sahara would reopen the debate in the United Nations.

75. The release of the last Moroccan prisoners of war from the Frente POLISARIO camps had provided conclusive evidence that the latter had committed human rights violations such as torture and forced labour, for which it had as yet not been prosecuted. Morocco, on the other hand, had in 2004 recognized that human rights violations had been committed by its officials on the basis of an enquiry by a royal commission, and had compensated many of the victims.

76. His own independent humanitarian mission to the Tindouf camps had, based on the first-hand reports collected, concluded that the education of the children in the camps, rigidly doctrinaire and militaristic, often involving years of further indoctrination in Cuban camps, violated a number of the criteria of the International Convention on the Rights of the Child. The United Nations should, consequently, reconsider providing any educational assistance for Saharan refugees in the Tindouf camps until the Frente POLISARIO's educational system had been overhauled. He wished to note that the humanitarian organization to which he belonged wanted to see all necessary humanitarian aid provided to those in the Tindouf camps, but in no way supported the Frente POLISARIO politically.

77. It was clear that sustained interest in the establishment of human rights in Western Sahara would be central to the possibility of a political settlement there. Any new political rights given to the Saharan people would not be operative unless they were also guaranteed the observance of all their other basic rights. He believed that the European Union should improve its cooperation with the Mediterranean region with respect to immigration and political, social and economic assistance.

78. *Mr. Ducarme withdrew.*

79. *At the invitation of the Chairman, Ms. Cervone (Christian Democrat and People's Parties International) took a place at the petitioners' table.*

80. **Ms. Cervone** (Christian Democrat and People's Parties International) said that, despite the unequivocal recognition by the International Court of Justice in 1975 of the bonds between Western Sahara and Morocco, Algeria shamelessly continued to use the issue to undermine Morocco's territorial integrity. The international community was only just waking up to Algeria's scandalous behaviour. The Algerian Government continued to demand humanitarian aid for the innocent refugees that it held by force in its territory even though it had thousands of dollars at its disposal.

81. A particularly disturbing development — which had been ignored by human rights and children's NGOs — was the annual deportation of hundreds of children, ostensibly for the sake of their education but in reality to indoctrinate them. Such deportations were used by the Frente POLISARIO, with Algeria's blessing, as a way of putting pressure on the children's parents to remain in the camps at Tindouf. One girl had been forced to witness her father's stoning by members of the Frente POLISARIO before she was deported, as she had told the Committee the previous year.

82. The international community should assume its responsibilities and come to the aid of the refugees, especially the children. The blame for the situation did not lie only with the Frente POLISARIO, which could take no action except on the instructions of its Algerian partners or with their authority. The Algerian authorities could not evade their moral, political or material responsibility in that regard. If it had not been

for Algeria's attitude, the "question of Western Sahara" would never have existed and the peoples of the Maghreb would have a better life.

83. *Ms. Cervone withdrew.*

84. *At the invitation of the Chairman, Mr. Moniquet (European Strategic Intelligence and Security Centre) took a place at the petitioners' table.*

85. **Mr. Moniquet** (European Strategic Intelligence and Security Centre) said that an independent internal mission of inquiry, of which he had been a member, had interviewed several dozen people in Rabat and Laayoune about the situation in Western Sahara; the Algerian authorities had not permitted a visit to Tindouf. Witness after witness had provided damning testimony. It was clear that, over the past 20 years, the leadership of the Frente POLISARIO and its security officials had been responsible for wave upon wave of repression directed against hundreds of its own members and against the Saharan refugees in the camps who were theoretically under its protection. Like other totalitarian movements, the Frente POLISARIO had conducted purges, its aim being both to eliminate possible rivals to President Abdelaziz of the Sahrawi Arab Democratic Republic and to justify its being on a war footing.

86. The repression had resulted in a whole range of crimes and abuses. There had been extrajudicial arrests that amounted to abduction or forced disappearances. Those "arrested" were never brought before a judge or anybody having proper legal status and were never informed how long their sentences would be.

87. There was also a widespread use of torture. Conditions of detention — in the Rashid prison, for example — were intolerable. Prisoners were held underground in cells, in which it was impossible to stand upright. There were 118 such cells. Some witnesses had been held there for several years and had been allowed out for only a few minutes a day. Once incarcerated, prisoners were known only by the number of their cell. Other prisoners were put to forced labour. The food was bad and medical care virtually non-existent.

88. There had also been some extrajudicial executions, often accompanied by acts of barbarism. The committee of inquiry had obtained a list of 43 people who had died under torture or been summarily executed. It also had a list of several dozen alleged torturers.

89. For all those reasons, the commission of inquiry believed that the Frente POLISARIO should not be considered a proper participant in discussions on a political solution to the question of Western Sahara.

90. *Mr. Moniquet withdrew.*

91. *Ms. De Roeck (Belgian Parliamentary Intergroup "Peace for the Sahrawi People") took a place at the petitioners' table.*

92. **Ms. De Roeck** (Belgian Parliamentary Intergroup "Peace for the Sahrawi People") said that she had learned from her contacts with Saharans and visits to Morocco and the occupied territories, that violence was again on the rise in the occupied territories of Western Sahara. Peaceful demonstrations had been harshly put down, prisoners were tortured and some deaths had occurred. In 2005, she had gone to the occupied territories at the invitation of a Moroccan association in Belgium. Although she had been given a choice as to her destination, she had been allowed to stay in Laayoune for only a few hours and been prevented from seeing Dakhla and the Black Prison.

93. Morocco had invested heavily in Laayoune but its investment formed part of a wider annexation policy. It had invested 10 per cent of its national budget in Laayoune and Western Sahara, even though the region contained only 3 per cent of the Moroccan population. The policy was to encourage people to relocate to the area. Saharans who returned of their own accord from the camps received free accommodation for the rest of their lives, free education and benefits for 2 years until they found work. Such treatment was in strong contrast with the situation in northern Morocco, where half the population was illiterate and there were almost no health services.

94. Morocco gave the world the impression that it sought a solution. It acknowledged that it did not favour a referendum but had drawn up a proposal for Saharan autonomy under the Moroccan flag. The proposal was markedly different from the revised Baker Plan and she was sure that the Saharan population in the refugee camps and the occupied territories would never accept it.

95. The United Nations should not allow the question of Western Sahara to be forgotten. The Saharan people should be able to express their will through a

referendum. It was time for the referendum to take place and for the brutal occupation to come to an end.

96. *Ms. De Roeck withdrew.*

97. **Ms. Fernandez Toledano** (Cuba), speaking in exercise of the right of reply, said that the statement by Mr. Ducarme constituted a gross calumny against the Cuban Government and people. Cuba attached great importance to education and considered it a moral duty to help provide access to education for the people of the Non-Self-Governing Territories. It had therefore, in accordance with General Assembly resolutions 56/68, 57/134, 58/105, 59/130 and 60/113, offered scholarships to 500 students from such territories. Instead of insulting Cuba, the petitioner should urge States that were more developed and had more resources to follow Cuba's example.

Question of New Caledonia (A/C.4/61/5)

98. *At the invitation of the Chairman, Mr. Mapou (Comité Rheebu Nuu) took a place at the petitioners' table.*

99. **Mr. Mapou** (Comité Rheebu Nuu) said that the indigenous people of New Caledonia, the Kanak people, were seeking to recover their sovereignty over their mineral wealth — mainly nickel — which the multinational companies sought to appropriate. The decolonization process had already begun and, according to the Nouméa Accord of 5 May 1998, should be completed by 2019 at the latest. It was, however, doubtful whether the administering Power, France, was conducting the process in good faith and whether the process could proceed in accordance with the rules set by the international community.

100. He expressed the hope that the forthcoming seminar on decolonization could be held in New Caledonia and that a special representative of the Secretary-General could come to establish the status of the Kanak people. The principles and rights enshrined in international documents should be incorporated in the Nouméa Accord. The situation as it stood was that the Kanak people faced an attempt at recolonization under the pretext of development and democracy. Meanwhile, New Caledonia was at great risk of environmental damage and financial loss at the hands of the multinational companies.

Agenda item 39: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*)

101. **Ms. Pierce** (United Kingdom) responding to the statement made at the fourth meeting by the representative of Spain, informed the Committee that, following an extended period of initiation between the United Kingdom and a delegation representing Gibraltar, led by the Chief Minister, a new draft constitution for Gibraltar had been agreed, providing for a modern and mature relationship between the United Kingdom and Gibraltar. As the Chief Minister of Gibraltar had said, the relationship between the United Kingdom and Gibraltar was "non-colonial".

102. The new constitution would shortly be put to the people of Gibraltar in a referendum to be organized by the Government of Gibraltar. The referendum would be an exercise of the right of self-determination by the people of Gibraltar.

103. The United Kingdom was ready to assume its international and national responsibilities. Its views on "de-listing" territories from the United Nations list of Non-Self-Governing Territories, were well known. The Government also believes that the criteria used by the Special Committee of 24 in its deliberations on whether a Non-Self-Governing Territory should be de-listed, were outdated and failed to take account of the way that the relationship between the United Kingdom and its overseas territories had been modernized. At the same time, the United Kingdom did not believe that the principle of territorial integrity was applicable to the decolonization of Gibraltar.

104. It was gratifying that, after nearly two years of intense negotiations, the United Kingdom Minister for Europe, the Spanish Minister for Foreign Affairs and the Chief Minister of Gibraltar had been able to announce a first package of agreements. The package covered Gibraltar Airport, border flows, telecommunication, and pensions issues. Her Government welcomed the outcome of the dialogue, which would have a positive impact on the quality of life for the people of Gibraltar and the surrounding region, and believed that, despite the well-known differences on sovereignty matters, it was possible for the three parties to work together for the benefit of all concerned.

105. On the question of sovereignty, her Government stood by its long-standing commitment to the people of Gibraltar that the United Kingdom would never enter into arrangements or sovereignty negotiations as a result of which the people of Gibraltar passed under the sovereignty of another State against their will.

106. Her Government had no doubt that, as a separate territory, recognized by the United Nations and included, since 1946, in its list of Non-Self-Governing Territories, Gibraltar enjoyed the rights accorded by the Charter of the United Nations. Her Government therefore supported the right to self-determination of the people of Gibraltar, promoted in accordance with the other principles and rights of the Charter, except insofar as, in the Government's view, Article X of the Treaty of Utrecht gave Spain first right of refusal, should the United Kingdom ever renounce sovereignty. Thus her Government's position was that there was no constraint to that right to self-determination, except that independence would be an option for Gibraltar only with Spain's consent.

The meeting rose at 6.15 p.m.